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6  
7 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 vs.

11 KEVIN MICHAEL KEALOHA,

12 Defendant,

Case No.: 2:21-cr-259-APG-VCF

**STIPULATION TO CONTINUE  
SENTENCING HEARING (*First  
Request*)**

13  
14 IT IS HEREBY STIPULATED AND AGREED by and between JASON M.  
15 FIERSON, United States Attorney, JOSHUA BRISTER, Assistant United States Attorney,  
16 counsel for the United States of America, and TODD M. LEVENTHAL, ESQ., counsel for  
17 KEVIN MICHAEL KEALOHA, that the Sentencing Hearing date currently scheduled August  
18 3, 2022 at 10:00 a.m. be vacated and continued for ninety (90) days, to a date and time to be set  
19 by this Honorable Court.

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1 This stipulation is entered into for the following reasons:

2 1. Defendant KEVIN MICHAEL KEALOHA is in custody and does not object to  
3 the continuance.

4 2. The parties agree to the continuance

5 3. In accordance with United States v Taylor case No. 20-1459, decided on June 21,  
6 2022, there will be direct consequences for the defendant in regards to his plea agreement. Based  
7 on the United States v Taylor case, a new plea agreement may be necessary to reach the parties  
8 objectives.

9 4. This request for time is not for the purposes of delay, but merely to allow counsel  
10 for defendant sufficient time within which to be able to effectively and complete investigation.

11 5. Additionally, denial of the continuance could result in a miscarriage of justice. The  
12 additional time is excludable in computing the time within which the trial must commence under  
13 the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) based on the factors outlined in §3161(h)(7)(B)(i),  
14 (iv)

15 This is the first request for a continuance of sentencing.

16 DATED this 21<sup>st</sup> day of July, 2022

17 Respectfully submitted,

18 TODD M. LEVENTHAL, ESQ.  
19 Attorney for Kevin Michael Kealoha

20 */s/ Joshua Brister*

*/s/ Todd Leventhal*

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JOSHUA BRISTER  
22 Assistant United States Attorney

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TODD M. LEVENTHAL  
23 Counsel for Defendant Kevin Kealoha  
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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEVIN MICHAEL KEALOHA,

Defendants.

Case No.: 2:21-cr-259-APG-VCF

**FINDINGS OF FACT,**  
**CONCLUSIONS OF LAW AND**  
**ORDER**

**FINDINGS OF FACT**


Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defendant KEVIN MICHAEL KEALOHA is in custody and does not object to the continuance.
2. The parties agree to the continuance
3. In accordance with United States v Taylor case No. 20-1459, decided on June 21, 2022, there will be direct consequences for the defendant in regards to his plea agreement. Based on the United States v Taylor case, a new plea agreement may be necessary to reach the parties objectives.

## CONCLUSIONS OF LAW

The continuance sought herein is allowed, with the defendant's consent, pursuant to Federal Rules of Procedure 5.1(d).

IT IS THEREFORE ORDERED that the Sentencing in the above-captioned matter, currently scheduled for August 3, 2022, at 10:00 a.m. be vacated and continued to November 9, 2022, at the hour of 1:30 p.m. in Las Vegas Courtroom 6C.

  
UNITED STATES DISTRICT JUDGE